Departmental Proceedings :
Review of cases of the Government servants who have attained the age of 55 years.

GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT

Circular No. CDR-1168/453/D-I

Sachivalaya, Bombay-32-BR, 25th October 1968 / Kartika 3, 1890.

CIRCULAR

According to Note 6 (*i*) below Bombay Civil Services Rule 161 Government servants other than those belonging to Class IV service can be made to retire on three months' notice at any time after attaining the age of 55 years. This provision is intended to be enforced in the cases of those persons who are unsuitable for being retained in service because of their record, work or physical or mental condition. It has, however, come to the notice of Government that in many cases proposals are being made for continuing persons in service beyond the age of 55 years without examining their cases on merit simply because departmental enquiries are pending against them. This is not correct, as it is not necessary to retain in service beyond the age of 55 years every person against whom departmental enquiries are pending even if he is unsuitable on merits for such continuance. Government is, therefore, pleased to issue the following instructions for the guidance of the authorities concerned for regulating such cases.

2. Cases of Government servants who have attianed the age of 55 years and are facing departmental proceedings can be classified into two broad categories, *viz.* (i) those whose confidential records are good and who are therefore suitable for being retained in service beyond the age of 55 years, and (ii) those whose confidential records are not satisfactory, and who are therefore *prima facie* unsuitable for being retained in service beyond the age of 55 years. Each of these two broad categories can further be divided into two categories on the basis of the charges against them *viz.* (*a*) those against whom the charges are serious, and (*b*) those against whom the charges are not serious. Thus, in all there would be four categories *viz.* (i) persons whose confidential records are good and the charges against whom are (*a*) serious, and (*b*) not serious; and (ii) those whose confidential records are not good and the charges against whom are (*a*) serious, and (*b*) not serious. Cases of persons falling in these different categories should be regulated as follows :—

(I) Categories (i) (a) and (ii) (a)—Those whose confidential records are good but charges against whom are serious and those whose confidential records are not good but charges against whom are serious.—In the case of both these categories, if the charges against them are so serious as to justify the imposition of the penalty of dismissal or removal from service it will be ordinarily necessary to continue them in service until the cases against them are finally decided. In a majority of such cases the persons are likely to have been suspended pending the departmental enquiry against them, and as such they will have to be retained in service in view of the provisions of Rule 161 (*d*) of the Bombay Civil Services Rules.

(II) Category (i) (b)—Those whose confidential records are good and the charges against whom are not serious.—Such cases would be covered by the normal rules, and the persons concerned will be retained in service if otherwise suitable, until a final decision is taken in regard to the charges against them.

(III) Category (ii) (b)—Those persons whose confidential records are not good and the charges against whom are not serious.—In regard to those persons who on the basis of their records are *prima facie* not suitable for being retained in service beyond the age of 55 years and the charges against whom are not serious, there should be no objection to retiring them straightway by giving them 3 months' notice. In their case the charges against them can be pursued even after they retire from service with a view to determining whether there is a case for taking action against them under Rules 188 and 189 of the Bombay Civil Services Rules, viz. to reduce, withhold or withdraw their pension.

[P.T.O.

3. All authorities concerned are requested to bear these instructions in mind while dealing with the cases of persons who have reached the age of 55 years and against whom departmental action is contemplated, or is pending. Care should be taken to see that the departmental proceedings in such cases are completed as expeditiously as possible.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,
Deputy Secretary to the Government of Maharashtra,
General Administration Department.

To

The Secretary to the Governor,
The Private Secretary to the Chief Minister,
All Secretariat Departments,
All Heads of Departments and Heads of Offices under the several Departments of the Secretariat.

G.C., G.A.D. No. CDR-1168/453/D-I, dated 25th October 1968/Kartika 3, 1890.

No. of 1968.

Copy forwarded for information and guidance to—